

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MISTY ALLEN,

Plaintiff,

v.

FLUXTROL INC.,

Defendant.

No. 23-12338

Hon. Nancy G. Edmunds

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM**

Plaintiff Misty Allen brings this case against her former employer, Defendant Fluxtrol, Inc., alleging pregnancy discrimination under Title VII of the Civil Rights Act ("Title VII") and sexual harassment/discrimination under Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"). The Court has federal question jurisdiction over Plaintiff's Title VII claim, but Plaintiff's claim pursuant to ELCRA is based on state law. Because the parties in this case are nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's ELCRA claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Therefore, pursuant to § 1367(c), Plaintiff's state law claim in Count II of her complaint is hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claim only.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: October 11, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 11, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager